

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LASER SPA OF ROCHESTER, LLC doing
business as Spitale Laser Spa Salon,

Plaintiff,

-vs-

ERIE INSURANCE COMPANY,

Defendant.

NOTICE OF MOTION

Case No. 6:20-cv-06308-FPG

MOTION MADE BY : Defendant, ERIE INSURANCE COMPANY, by and through its attorneys, Mura & Storm, PLLC, 930 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

DATE, TIME AND PLACE OF HEARING : Date and time of hearing to be determined by the Hon. Frank P. Geraci, with place of hearing to be United States District Court, Western District of New York, 100 State Street, Rochester, New York 14614.

SUPPORTING PAPERS : This notice of motion; Declaration of Roy A. Mura, Esq. dated June 9, 2020, and Defendant's Memorandum of Law dated June 9, 2020.

RELIEF DEMANDED AND GROUNDS THEREFORE : An order of this Court pursuant to Fed. R. Civ. P. 12(b)(6) for an order dismissing plaintiff's complaint on the ground that it fails to state a claim upon which relief can be granted; and such other, further and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(B), absent different deadlines set by the Court, plaintiff shall have fourteen (14) days from the date of this notice to file and serve responding papers to this motion. Defendant intends to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, defendant shall have seven (7) days after service of

plaintiff's responding papers to file and serve
reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled
by the Court.

Dated: Buffalo, New York
June 9, 2019



Roy A. Mura, Esq.
Scott D. Mancuso, Esq.
MURA & STORM, PLLC
Attorneys for Defendant
930 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 855-2800
roy.mura@muralaw.com

cc: John E. Richmond, Esq.
RICHMOND VONA, LLC
1659 Amherst Street, Suite 100
Buffalo, New York 14214
(716) 500-5678
john@richmondvona.com

Richard M. Golomb, Esq. (*pro hac vice* pending)
Kenneth J. Grunfeld, Esq. (*pro hac vice* pending)
GOLOMB & HONIK, P.C.
1835 Market Street, Suite 2900
Philadelphia, PA 19103
(215) 985-9177
rgolomb@golombhonik.com
kgrunfeld@golombhonik.com

Arnold Levin, Esq.
Frederick Longer, Esq.
Daniel Levin, Esq.
LEVIN SEDRAN & BERMAN, L.L.P.
510 Walnut Street, Suite 500
Philadelphia, PA 19106-3697
(215) 592-1500
alevin@lfsblaw.com
flonger@lfsblaw.com
dlevin@lfsblaw.com

W. Daniel "Dee" Miles, III
Rachel N. Boyd
Paul W. Evans
**BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.**
P.O. Box 4160
Montgomery, Alabama 36103
(334) 269-2343
Dee.Miles@BeasleyAllen.com
Rachel.Boyd@BeasleyAllen.com

Attorneys for Plaintiff